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OFFICE OF PETITIONS

In re Application of :
Cornelius, et al. : LETTER REGARDING PTA
Application No. 09/710,155 :
Filed: November 9, 2000 :
Atty. Dkt. No.: 10022/26 :

This letter is in response to the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT," filed March 9, 2007. The Office thanks patentees for their good faith and candor in bringing this to our attention.

The Office will adjust the PAIR screen to reflect that the Patent Term Adjustment (PTA) determination at the time of mailing of the instant letter reflects an adjustment of 553 days. A copy of the updated PAIR screen showing the correct determination is enclosed.

Applicants indicate that the PTA of 646 days indicated on the Determination of Patent Term Adjustment Under 35 U.S.C. 154(d) is incorrect, the Office having failed to reduce the adjustment 93 days in response to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed January 9, 2001.

A review of the application history reveals that at the time of allowance, an adjustment of 895 days could be attributed to the Office. The reduction was reduced a total of 249 days for applicants' failure to engage in reasonable efforts to conclude prosecution.

Further, as indicated by applicants, the Office neglected to reduce the adjustment an additional 93 days in connection with the reply to the Notice submitted July 11, 2001. In accordance with 37 CFR 1.704(b), the reduction began April 10, 2001, the day after the date that is three months after the date that the Notice was mailed, and ended July 11, 2001, the date the response thereto was submitted.

In view thereof, at the time of allowance, the application was entitled to an overall PTA of 553 days.

As applicant is advising us of an error in providing too much patent term adjustment in this application, no fee is due in connection to this matter.

The patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

The application file is being forwarded to the Publications Division for issuance of a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery A Fries

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